

Court of Appeals, Division One
Criminal

1 CA-CR 14-0622

STATE v. TULL

Appellate Case Information

Case Filed: 11-Sep-2014
Case Closed:

Dept/Composition

Dept E July 2016
Hon. Patricia K Norris
Hon. Patricia A Orozco
Hon. Peter B Swann

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Jana Zinman, Esq. (AZ Bar No. 24019)

Side 2. CLARENCE ANDREW TULL, Appellant

(Litigant Group) CLARENCE ANDREW TULL

- Clarence Andrew Tull

Attorneys for: Appellant

Natalee E Segal, Esq. (AZ Bar No. 16775)

CASE STATUS

Nov 8, 2016.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2011-123789-016	See File	See File	Sherry K Stephens, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-16-0453-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Monday, January 9, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Patricia K Norris - Concur; Hon Patricia A Orozco - Concur

[1 extension]

CASE DECISION

08-Nov-2016 MEMORANDUM DECISION

Peter Swann.....Author
Patricia Norris.....Concur
Patricia Orozco.....Concur

Filed: 08-Nov-2016

Mandate:

Decision Disposition

Affirmed

110 PROCEEDING ENTRIES

- 11-Sep-2014 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/04/14. Notification to Court Reporters dated 09/10/2014.
- 19-Sep-2014 ORDERED: Appointing public defender/transcripts due 10/20/2014. Anthony Mackey ProTem Judge - Author
- 19-Sep-2014 FILED: Reporter's Transcripts: 07/07/2014 Trial Day 22 (Nicole Sesta)
- 16-Oct-2014 FILED: Additional Record on Appeal: Confidential Criminal History in manila envelope; Sealed Items: Original Sealed Documents included in Index
- 20-Oct-2014 FILED: Reporter's Transcripts: 07/09/14 - Trial Day 24 Afternoon Session (Robin Bobbie)
- 27-Oct-2014 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
- 30-Oct-2014 FILED: Reporter's Transcript - 08/16/12 Settlement Conference (Jennifer Lindeman)

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8. 4-Nov-2014 FILED: Motion for Extension of Time (to File Transcripts) Patricia Kotarba)
9. 10-Nov-2014 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
10. 10-Nov-2014 ORDERED: Court reporter Marla Arnold Due Dates EXTENDED to 12/10/2014 for Transcripts of proceedings held on 04/23/2014, 04/28/2014, 04/30/2014, 05/07/2014, 05/13/2014, 05/28/2014, 06/02/2014, 06/03/2014, 06/10/2014, 06/24/2014, 07/16/2014, 07/22/2014, 07/28/2014. Hon Michael J Brown - Author
11. 10-Nov-2014 ORDERED: Motion for Extension of Time to File Transcripts (Patricia Kotarba) = GRANTED. Due Dates EXTENDED to 12/10/2014 for Transcripts of proceedings held on 07/08/2014, 07/10/2014, 07/17/2014. Hon Michael J Brown - Author
12. 10-Nov-2014 Court reporter Michael Babicky Due Dates EXTENDED to 12/10/2014 for Transcripts of proceedings held on 04/24/2014, 04/29/2014, 04/30/2014, 05/01/2014, 05/05/2014, 05/06/2014, 05/08/2014, 05/14/2014, 05/19/2014, 05/28/2014, 05/29/2014, 06/09/2014, 06/10/2014, 07/07/2014, 07/08/2014, 07/09/2014, 07/15/2014, 07/28/2014, 07/29/2014, 07/31/2014, 08/04/2014, 09/03/2014, 03/05/2014. Hon Michael J Brown - Author
13. 10-Nov-2014 ORDERED: Court reporter Helene Paustian Due date EXTENDED from Monday, 10-20-2014 to Wednesday, 12-10-2014 for Transcript of proceedings held on 06/12/2014. Hon Michael J Brown - Author
14. 10-Nov-2014 ORDERED: Court reporter Lydia A Estarda-Gray transcripts of proceedings held on 08/21/2012 and 12/05/2012 due on/before 12/10/2014. Hon Michael J Brown - Author
15. 10-Nov-2014 ORDERED: Court reporter Karen Dawson transcript of proceedings held on 04/26/2012 due on/before 12/10/2014. Hon Michael J Brown - Author
16. 10-Nov-2014 ORDERED: Ken Crenshaw transcript of proceedings held on 04/16/2012 due on/before 12/10/2014. Hon Michael J Brown - Author
17. 8-Dec-2014 FILED: Reporter's Transcript - 08/21/2012 - Complex Case Management (Lydia Estrada-Gray)
18. 8-Dec-2014 FILED: Reporters Transcript - 12/5/12 - Status Conference (Lydia Estrada-Gray)
19. 10-Dec-2014 FILED: Motion for Extension of Time to File Transcript (Court Reporter Michael Babicky)
20. 11-Dec-2014 ORDERED: Motion for Extension of Time to File Transcript (Court Reporter Michael Babicky) = GRANTED. Due Dates EXTENDED to 01/09/2015 for Transcripts dated 04/24/2014, 04/29/2014, 04/30/2014, 05/01/2014, 05/05/2014, 05/06/2014, 05/08/2014, 05/14/2014, 05/19/2014, 05/28/2014, 05/29/2014, 06/09/2014, 06/10/2014, 07/07/2014, 07/08/2014, 07/09/2014, 07/15/2014, 07/28/2014, 07/29/2014, 07/31/2014, 08/04/2014, 09/03/2014, 03/05/2014 or OSC 01/21/2015. Hon Michael J Brown - Author
21. 17-Dec-2014 FILED: Motion for Extension of Time (to File Transcripts) (Patricia Kotarba)
22. 18-Dec-2014 ORDERED: Court Reporter Karen Dawson due date EXTENDED from Wednesday, 12-10-2014 to Tuesday, 01-20-2015 for transcript of proceedings held on 04/26/2012. Hon Michael J Brown - Author
23. 18-Dec-2014 ORDERED: Transcript Coordinator Ken Crenshaw due date EXTENDED from Wednesday, 12-10-2014 to Tuesday, 01-20-2015 for transcript of proceedings held on 08/16/2012.
24. 18-Dec-2014 ORDERED: Court Reporter Helene Paustian due date EXTENDED from Wednesday, 12-10-2014 to Tuesday, 01-20-2015 for transcript of proceedings held on 06/12/2014 or OSC 01/21/2015. Hon Michael J Brown - Author
25. 18-Dec-2014 ORDERED: Court Reporter Marla Arnold due Dates EXTENDED to 01/20/2015 for Transcripts dated 04/23/2014, 04/28/2014, 04/30/2014, 05/07/2014, 05/13/2014, 05/28/2014, 06/02/2014, 06/03/2014, 06/10/2014, 06/24/2014, 07/08/2014, 07/10/2014, 07/16/2014, 07/22/2014, 07/28/2014 or OSC 01/21/2015 Hon Michael J Brown - Author
26. 18-Dec-2014 ORDERED: Motion for Extension of Time (to File Transcripts) (Patricia Kotarba) = GRANTED. Due Dates EXTENDED to 01/20/2015 for Transcripts dated 07/08/2014, 07/10/2014, 07/17/2014 or OSC 01/21/2015 Hon Michael J Brown - Author
27. 24-Dec-2014 FILED: Reporter's Transcript 04/23/2014 Trial Day 1 All Day (Marla Arnold)

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28.	2-Jan-2015	FILED: Reporter's Transcripts - 04/28/14 Trial Day 3 ALL DAY (Marla Arnold)
29.	2-Jan-2015	FILED: Reporter's Transcripts - 04/30/14 Trial Day 5 P.M. (Marla Arnold)
30.	2-Jan-2015	FILED: Reporter's Transcripts - 05/07/14 Trial Day 9 ALL DAY (Marla Arnold)
31.	2-Jan-2015	FILED: Reporter's Transcripts - 05/13/14 Trial Day 11 ALL DAY (Marla Arnold)
32.	2-Jan-2015	FILED: Reporter's Transcripts - 06/02/14 Trial Day 16 ALL DAY (Marla Arnold)
33.	5-Jan-2015	FILED: Reporter's Transcript 05/28/14 Trial Day 14 P.M. (Marla Arnold)
34.	7-Jan-2015	FILED: Reporter's Transcript - 6/12/14 - Jury Trial (Helene Paustian)
35.	8-Jan-2015	FILED: Reporter's Transcripts: 05/05/2014 (Michael Babicky)
36.	8-Jan-2015	FILED: Reporter's Transcripts: 05/06/2014 (Michael Babicky)
37.	8-Jan-2015	FILED: Reporter's Transcripts: 05/08/2014 (Michael Babicky)
38.	8-Jan-2015	FILED: Reporter's Transcripts: 05/14/2014 (Michael Babicky)
39.	8-Jan-2015	FILED: Reporter's Transcripts: 03/05/2014 (Michael Babicky)
40.	8-Jan-2015	FILED: Reporter's Transcripts: 04/29/2014 (Michael Babicky)
41.	8-Jan-2015	FILED: Reporter's Transcripts: 04/30/2014 (Michael Babicky)
42.	8-Jan-2015	FILED: Reporter's Transcripts: 05/01/2104 (Michael Babicky)
43.	9-Jan-2015	FILED: Reporter's Transcripts: 05/19/2014 (Michael Babicky)
44.	9-Jan-2015	FILED: Reporter's Transcripts: 05/28/2014 (Michael Babicky)
45.	9-Jan-2015	FILED: Reporter's Transcripts: 07/15/2014 (Michael Babicky)
46.	9-Jan-2015	FILED: Reporter's Transcripts: 07/31/2014 (Michael Babicky)
47.	10-Jan-2015	FILED: Reporter's Transcripts: 08/04/2014 (Michael Babicky)
48.	10-Jan-2015	FILED: Reporter's Transcripts: 09/03/2014 (Michael Babicky)
49.	10-Jan-2015	FILED: Reporter's Transcripts: 04/24/2014 (Michael Babicky)
50.	10-Jan-2015	FILED: Reporter's Transcripts: 05/29/2014 (Michael Babicky)
51.	10-Jan-2015	FILED: Reporter's Transcripts: 06/09/2014 (Michael Babicky)
52.	10-Jan-2015	FILED: Reporter's Transcripts: 06/10/2014 (Michael Babicky)
53.	10-Jan-2015	FILED: Reporter's Transcripts: 07/07/2014 (Michael Babicky)
54.	10-Jan-2015	FILED: Reporter's Transcripts: 07/08/2014 (Michael Babicky)
55.	10-Jan-2015	FILED: Reporter's Transcripts: 07/09/2014 (Michael Babicky)
56.	10-Jan-2015	FILED: Reporter's Transcripts: 07/29/2014 (Michael Babicky)
57.	12-Jan-2015	FILED: Reporter's Transcripts: 07/28/2014 (Michael Babicky)
58.	15-Jan-2015	FILED: Reporter's Transcript - 07/08/2014 Trial day 23 by (Patricia Kotarba)
59.	15-Jan-2015	FILED: Reporter's Transcript 06/03/2014 Trial Day 17 All Day (Marla Arnold)
60.	15-Jan-2015	FILED: Reporter's Transcript 06/10/14 Trial Day 19 A.M. (Marla Arnold)
61.	15-Jan-2015	FILED: Reporter's Transcripts: 09/03/2014 (Michael Babicky)
62.	18-Jan-2015	FILED: Reporter's Transcript 07/17/2014 Jury Trial by (Patricia Kotarba)
63.	19-Jan-2015	FILED: Reporter's Transcript 07/10/2014 Jury Trial (CORRECTED) by (Patricia Kotarba)

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64.	19-Jan-2015	FILED: Reporter's Transcripts - 07/28/14 Trial Day 29 A.M. (Marla Arnold)
65.	19-Jan-2015	FILED: Reporter's Transcript 07/10/2014 Jury Trial by (Patricia Kotarba)
66.	19-Jan-2015	FILED: Reporter's Transcripts - 06/24/14 Trial Day 21 ALL DAY (Marla Arnold)
67.	19-Jan-2015	FILED: Reporter's Transcripts - 07/16/14 Trial Day 27 ALL DAY (Marla Arnold)
68.	19-Jan-2015	FILED: Reporter's Transcripts - 07/22/14 Trial Day 28 A.M. (Marla Arnold)
69.	26-Feb-2015	ORDERED: Ken Crenshaw due date EXTENDED from Tuesday, 01-20-2015 to Monday, 03-30-2015 for transcript of proceedings held on 08/16/2012 or OSC on 4/01/2015 Hon Michael J Brown - Author
70.	26-Feb-2015	ORDERED: Court Reporter Karen Dawson due date EXTENDED from Tuesday, 01-20-2015 to Monday, 03-30-2015 for transcript of proceedings held on 04/26/2012 or OSC on 04/01/2015. Hon Michael J Brown - Author
71.	30-Mar-2015	FILED: Reporters Transcript (04/26/12 [Karen Dawson])
72.	2-Apr-2015	FILED: Notice of Completion of Record
73.	8-Apr-2015	FILED: Motion to Compel; Certificate of Service (Appellant) (See Order dated 4/15/2015)
74.	10-Apr-2015	FILED: Motion to Withdraw Appellant's Motion to Compel re: Patricia Kotarba; Certificate of Service (Appellant)
75.	10-Apr-2015	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
76.	15-Apr-2015	ORDERED: Motion to Withdraw Appellant's Motion to Compel re: Patricia Kotarba (Appellant) = GRANTED. FURTHER ORDERED: Motion to Withdraw and Substitute New Counsel;(Appellant) = GRANTED/ Appointing attorney Natalee Segal as attorney for appellant. FURTHER ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-18-2015 to Friday, 05-29-2015. Anthony Mackey ProTem Judge - Author
77.	1-Jun-2015	ORDERED: Opening Brief due date EXTENDED from Friday, 05-29-2015 to Monday, 06-29-2015. Fred Cole ProTem Judge - Author
78.	29-Jun-2015	FILED: Request for Extension of Time (Opening Brief); Extension Certificate of Service (Appellant)
79.	1-Jul-2015	ORDERED: Request for Extension of Time (Opening Brief); (Appellant)= GRANTED. Due date EXTENDED from Monday, 06-29-2015 to Wednesday, 07-29-2015. Anthony Mackey ProTem Judge - Author
80.	14-Jul-2015	FILED: Request for Transcript; Certificate of Service (Appellant)
81.	20-Jul-2015	ORDERED: Request for Transcript (Appellant) = GRANTED/Transcript due 8/14/15. FURTHER ORDERED: EXTENDING due date for opening brief until 9/14/15. Anthony Mackey ProTem Judge - Author
82.	22-Jul-2015	FILED: Reporter's Transcripts 09/03/2014 (Clarence Tull Sentencing) (Michael Babicky)
83.	18-Sep-2015	FILED: Motion to Supplement the Record; Certification of Service Motion to supplement record (Appellant)
84.	22-Sep-2015	ORDERED: Motion to Supplement the Record; Certification of Service Motion to supplement record (Appellant) = DENIED. FURTHER ORDERED: Court Reporter Michael Babicky, if he has not already done so, to immediately forward 9/3/14 transcript to counsel. FURTHER ORDERED: EXTENDING Opening Brief to and including 10/20/15. Anthony Mackey ProTem Judge - Author
85.	19-Oct-2015	FILED: Request for Extension of Time (Opening Brief); Certificate of Service (Appellant)
86.	22-Oct-2015	ORDERED: Request for Extension of Time (Opening Brief)(Appellant) = GRANTED. Due date EXTENDED from Tuesday, 10-20-2015 to Thursday, 11-19-2015 or OSC on 12/02/2015 Anthony Mackey ProTem Judge - Author
87.	19-Nov-2015	FILED: Opening Brief; Certificate of Compliance; Certificate of Mailing OB (Appellant)
88.	2-Dec-2015	FILED: Notice of Appearance; Certificate of Service (Appellee)
89.	10-Dec-2015	FILED: Motion to Expand the Record on Appeal and to Continue Time for Filing the Answering Brief Until 30 Days After the Transcript Has Been Filed; Certificate of Service (Appellee)

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90. 14-Dec-2015 ORDERED: Motion to Expand the Record (Appellee) = GRANTED/Court Reporter Robin Bobbie transcript dated 03/19/13 due 01/12/16. FURTHER ORDERED: Continue Time for Filing the Answering Brief Until 30 Days After the Transcript Has Been Filed (Appellee) = GRANTED. Due date EXTENDED from Monday, 01-04-2016 to Friday, 02-12-2016. Anthony Mackey ProTem Judge - Author
91. 17-Dec-2015 FILED: Reporters Transcript - 03/19/2013 - (Robin Bobbie)
92. 8-Jan-2016 FILED: Motion to Expand the Record and to Continue Time for Filing the Answering Brief Until 30 Days After the Transcripts Have Been Filed; Certificate of Service (Appellee)
93. 11-Jan-2016 ORDERED: Continue Time for Filing the Answering Brief Until 30 Days After the Transcripts Have Been Filed (Appellee) = GRANTED. Due date EXTENDED from Friday, 02-12-2016 to Monday, 03-07-2016. FURTHER ORDERED: Motion to Expand the Record (Appellee) = GRANTED/ Transcripts due 02/08/16. Anthony Mackey ProTem Judge - Author
94. 8-Feb-2016 FILED: Reporters Transcript - 04/10/2014 - (Barbara Stockford)
95. 9-Feb-2016 FILED: Reporters Transcript - 04/10/2014 - (Barbara Stockford) (Duplicate)
96. 9-Feb-2016 FILED: Reporters Transcript - 04/10/2014 - (Barbara Stockford) (Corrected)
97. 18-Feb-2016 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
98. 19-Feb-2016 FILED: Reporters Transcript - 03/31/2014 - (Michael Babicky)
99. 19-Feb-2016 FILED: Reporters Transcript - 04/07/2014 - (Michael Babicky)
100. 19-Feb-2016 FILED: Reporters Transcript - 04/17/2014 - (Michael Babicky)
101. 19-Feb-2016 ORDERED: Michael Babicky transcripts dated 03/31/2014, 04/07/2014, 04/17/2016 due 03/18/2016 or OSC 04/06/2016. FURTHER ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 03-07-2016 to Friday, 04-15-2016. Anthony Mackey ProTem Judge - Author
102. 14-Apr-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
103. 27-Apr-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
104. 2-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copies of transcripts filed directly with COA1 previously)
105. 7-May-2016 FILED: Reply; Certificate of Compliance Reply; Certificate of Mailing Reply (Appellant)
106. 31-May-2016 CLNDR: CONFERENCE, Dept E July 2016, 7-26-16, COURTROOM 2.
107. 8-Nov-2016 MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Patricia K Norris - Concur; Hon Patricia A Orozco - Concur
108. 8-Nov-2016 FILED: Memorandum Decision Distribution List
109. 10-Nov-2016 FILED: ASC Order filed 11/10/2016 re: extending time for filing Petition for Review to 01/09/2017
110. 7-Dec-2016 FILED: Courtesy Copy - Notice of Post-Conviction Relief filed in Maricopa County Superior Court on 12/06/2016